

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2007-298-T - ORDER NO. 2008-315

APRIL 30, 2008

IN RE: Application of Martin Keane Kapalka, 1605)	ORDER RESCINDING
Crystal Lake Drive, Myrtle Beach, South)	ORDER NO. 2007-606
Carolina 29575 (District 1) for a Class C)	
Certificate of Public Convenience.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of the Office of Regulatory Staff (ORS) to rescind Commission Order No. 2007-606 issued to Martin Keane Kapalka (Kapalka or the Applicant) as the result of the failure of the Applicant to comply with certain rules of this Commission. By Order No. 2007-606, dated September 7, 2007, Kapalka was granted authority to operate as a motor carrier in South Carolina under a Class C Certificate of Public Convenience and Necessity.

In Order No. 2007-606, the Commission directed the Applicant to file, or cause to be filed, with the ORS the proper license fees, proof of liability insurance, and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2007) of the Commission's Rules and Regulations for Motor Carriers, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 (Supp. 2007) of the Department of Public Safety's Rules and Regulations for Motor Carriers, within sixty (60) days of the date of the Order, or within such additional time as may be authorized by the Commission.

Further, Order No. 2007-606 instructed Kapalka that the failure to either complete the certification process by complying with the requirements of filing with the ORS proof of appropriate insurance, payment of license fees, and such other information required by law within sixty (60) days of the date of the Order or to request and obtain from the Commission additional time to comply with the stated requirements, may result in the Applicant's authorization being revoked. Kapalka, by Order No. 2007-895, issued December 19, 2007, was granted an extension until March 31, 2008, to come into compliance with the requirements set forth in Order No. 2007-606.

By Motion filed April 8, 2008, ORS requests rescission of Order No. 2007-606. According to ORS, as of April 1, 2008, Kapalka has not filed Form E, evidencing proof of liability insurance. As a result of Kapalka's failure to provide to the ORS proof of insurance, ORS states that it has not issued a Certificate of Public Convenience and Necessity to the Applicant and requests that the Order No. 2007-606 be rescinded for the Applicant's failure to comply with the terms of the Order.

After consideration of ORS' Motion, the Commission is of the opinion, and so finds, that its previous Order No. 2007-606 granting Kapalka authority to provide motor carrier services should be rescinded.

IT IS THEREFORE ORDERED:

1 That Commission Order No. 2007-606, dated September 7, 2007, granting authority to Martin Keane Kapalka to provide motor carrier services under a Class C Certificate of Public Convenience and Necessity is rescinded.

2 That Docket No. 2007-298-T is closed.

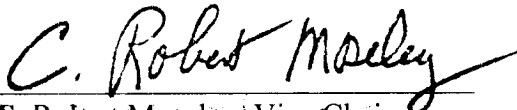
3. That this Order shall remain in full force and effect until further Order of this Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST



C. Robert Moseley, Vice Chairman

(SEAL)